

PTO/SB/21 (04-04) *log*

<b>PATENT TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/002,712
	Filing Date	November 1, 2001
	Issued Patent Number	US-6,759,240 B1
	Issue Date	July 6, 2004
	First Named Inventor	James J. Hartman
	Art Unit	1651
	Examiner Name	Ralph J. Gitomer
Total Number of Pages in This Submission	Attorney Docket Number	020552-003723US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Request for Certificate of Correction under §1.322 with attached PTO/SB/44 Certificate of Correction	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): -Return Postcard -Copy of Petition under 37 CFR 1.48(b) -Copies of two Declarations under 37 CFR 1.48(c) -Copy of Consent of Assignee for Correction of Inventorship under 37 CFR 1.48(c) -Copy of Declaration -Copy of pages 2-3 from Office Action mailed July 11, 2003
<input type="checkbox"/> Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

Certificate  
OCT 21 2004

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

of Correction

Firm or Individual name	Townsend and Townsend and Crew LLP	
Signature	Scott L. Auserhus	Reg. No. 42,271
Date	10/11/04	

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Nicole M. Wartell		
Signature	<i>Nicole M. Wartell</i>	Date	10/12/04



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT  
Attorney Docket No. 020552-003723US

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

On OCT 12, 2004

TOWNSEND and TOWNSEND and CREW LLP

By: Nicole M. Wartell  
Nicole M. Wartell

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent of:

Eugeni A. Vaisberg et al.

Patent No.: 6,759,240 B1

Issued: July 6, 2004

For: METHODS FOR PURIFYING  
ACTIN

Examiner: Ralph J. Gitomer

Art Unit: 1651

REQUEST FOR CERTIFICATE OF  
CORRECTION UNDER § 1.322

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.322 Applicant submits a Certificate of Correction correcting printing errors made at the time of printing of the patent.

In support of this Request for Certificate of Correction, Applicant submits a copy of the following documents, all of which were submitted to the USPTO on April 15, 2003:

- Petition under 37 CFR 1.48(b)
- Declaration of Eugeni A. Vaisberg under 37 CFR 1.48(c)
- Declaration of James A. Spudich under 37 CFR 1.48(c)

25 OCT 2004

- Consent of Assignee for Correction of Inventorship under 37 CFR 1.48(c)
- Declaration signed by Eugeni A. Vaisberg, James A. Spudich and James J. Hartman

Applicant is also providing a copy of the relevant pages of the Office Action mailed on July 11, 2003, which indicates that the petition to change inventorship was accepted and that the Patent Office that the records would be updated accordingly.

The desired corrections are set forth on form PTO/SB/44, enclosed. It is believed that no fee is required for this Certificate. However, if a fee is required, the Commissioner is authorized to charge said fee to the undersigned's Deposit Account No. 20-1430.

Respectfully submitted,



Scott L. Ausenhus  
Reg. No. 42,271

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8th Floor  
San Francisco, California 94111-3834  
Telephone (303) 574-4000  
Fax (303) 574-4321  
SLA/nmb

25 OCT 2004

# UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

PATENT NO : US-6,759,240 B1  
DATED : July 6, 2004  
INVENTOR(S) : Eugeni A. Vaisberg et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the title page:

In the Inventors section on the Title Page, the inventors listed as:  
"James J. Hartman, San Francisco, CA (US); Fady Malik, Burlingame, CA (US); Roman Sakowicz, Foster City, CA (US); Jeffrey T. Finer, Foster City, CA (US)" should be as follows:  
--Eugeni A. Vaisberg, Foster City, CA (US); James A. Spudich, Palo Alto, CA (US); James J. Hartman, San Francisco, CA (US)--

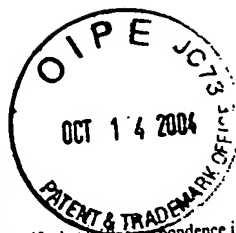
MAILING ADDRESS OF SENDER:  
Townsend and Townsend and Crew LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, CA 94111-3834

PATENT NO. US-6,759,240 B1

No. of additional copies:



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Assistant Commissioner for Patents  
Washington, D.C. 20231

On April 15, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Maisie C. Livengood  
Maisie C. Livengood

PATENT  
Attorney Docket No.: 020552-003723US  
Client Ref. No.: 1018D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hartman, et al.

Application No.: 10/002,712

Filed: November 1, 2001

For: HIGH THROUGHPUT  
SARCOMERIC ASSAY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

It is respectfully requested that the following inventors be deleted from the above-identified application because these inventors' inventions are no longer being claimed.

Fady Malik  
Roman Sakowicz  
Jeffrey T. Finer

Pursuant to 37 CFR 1.17(i), please deduct the petition fee of \$130 from Deposit Account 20-1430.

04/23/2003 MMDHAMM1 00000114 201430 10002712  
01 FC:1460 130.00 CH

Respectfully submitted,

Scott L. Aussenhus  
Reg. No. 42,271

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
SLA:mc1  
DE 7098943 v1

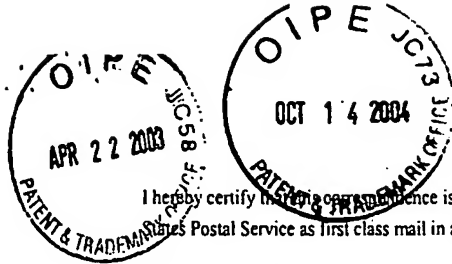
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On April 15, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Maisie C. Livengood  
Maisie C. Livengood

PATENT  
Attorney Docket No.: 020552-003723US  
Client Ref. No.: 1018D

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Vaisberg, et al.

Application No.: 10/002,712

Filed: November 1, 2001

For: HIGH THROUGHPUT  
SARCOMERIC ASSAY

Examiner:

Art Unit: 1623

DECLARATION UNDER 37 C.F.R.  
§1.48(c)

COPY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Eugeni A. Vaisberg, state that it was through error without deceptive intent that I was not named as an inventor in the above-referenced patent application.

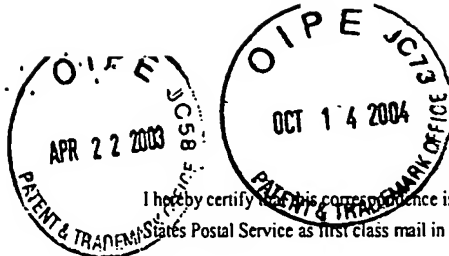
I agree to the correction of inventorship currently requested by the assignees of the above-referenced patent to include myself, Eugeni A. Vaisberg, as a joint inventor.

Dated: 04-01-03

By: E. Vaisberg  
Eugeni A. Vaisberg

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
SLA:mcl  
DE 7098956 v1

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Washington, D.C. 20231

On April 15, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Maisie C. Livengood  
Maisie C. Livengood

PATENT  
Attorney Docket No.: 020552-003723US  
Client Ref. No.: 1018D

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Vaisberg, et al.

Application No.: 10/002,712

Filed: November 1, 2001

For: HIGH THROUGHPUT  
SARCOMERIC ASSAY

Examiner:

Art Unit: 1623

DECLARATION UNDER 37 C.F.R.  
§1.48(c)

**COPY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, James A. Spudich, state that it was through error without deceptive intent that I was not named as an inventor in the above-referenced patent application.

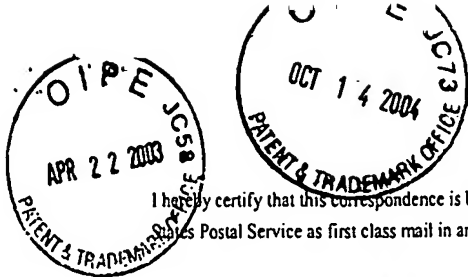
I agree to the correction of inventorship currently requested by the assignees of the above-referenced patent to include myself, James A. Spudich, as a joint inventor.

Dated: 4-3-03

By: James A. Spudich  
James A. Spudich

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 303-571-4000  
Fax: 415-576-0300  
SLA:mcl  
DE 7098956 v1

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

On April 15, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Maisie C. Livengood  
Maisie C. Livengood

PATENT  
Attorney Docket No.: 020552-003723US  
Client Ref. No.: 1018D

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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Vaisberg, et al.

Application No.: 10/002,712

Filed: November 1, 2001

For: HIGH THROUGHPUT  
SARCOMERIC ASSAY

Examiner:

Art Unit: 1623

CONSENT OF ASSIGNEE FOR  
CORRECTION OF INVENTORSHIP  
UNDER 37 C.F.R. § 1.48(c)

**COPY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The assignee of the above-identified patent application, Cytokinetics, Inc., consents to amending the subject application to add Eugeni A. Vaisberg and James A. Spudich as joint inventors.

In accordance with 37 C.F.R. §3.73(b), a certificate of assignment is enclosed to establish ownership of U.S. Patent Application No. 09/539,164 by Cytokinetics, Inc., of which the above-identified application is a continuation.

CYTOKINETICS, INC.

Date 4/9/03

By [Signature]  
Name SVP Finance & Corporate Development & CFO  
Title Robert Blum





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DECLARATION

Attorney Docket No.: 020552-003723US

Client Reference No.: 1018D

**COPY**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **HIGH THROUGHPUT SARCOMERIC ASSAY** the specification of which      is attached hereto or   X   was filed on November 1, 2001 as Application No. 10/002,712 and was amended on November 1, 2001.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date
09/539,164	March 29, 2000


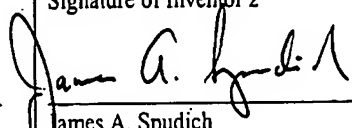

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

Full Name of Inventor 1:	Last Name: <b>VAISBERG</b>	First Name: <b>EUGENI</b>	Middle Name or Initial: <b>A.</b>	
Residence & Citizenship:	City: <b>Foster City</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>647 Pegasus Lane</b>	City: <b>Foster City</b>	State/Country: <b>California</b>	Postal Code: <b>94404</b>
Full Name of Inventor 2:	Last Name: <b>SPUDICH</b>	First Name: <b>JAMES</b>	Middle Name or Initial: <b>A.</b>	
Residence & Citizenship:	City: <b>Palo Alto</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>3035 Country Club Drive</b>	City: <b>Palo Alto</b>	State/Country: <b>California</b>	Postal Code: <b>94304</b>

Full Name of Inventor 3:	Last Name: <b>HARTMAN</b>	First Name: <b>JAMES</b>	Middle Name or Initial: <b>J.</b>	
Residence & Citizenship:	City: <b>San Francisco</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>	
Post Office Address:	Post Office Address: <b>3 Gaiser Court</b>	City: <b>San Francisco</b>	State/Country: <b>California</b>	Postal Code: <b>94110</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1  Eugeni A. Vaisberg Date <b>04-01-03</b>	Signature of Inventor 2  James A. Spudich Date <b>4-3-03</b>	Signature of Inventor 3  James J. Hartman Date <b>04-01-03</b>
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**COPY**

**COPY**

The amendments received 11/1/2001 and the IDS received 1/28/2002 have been entered and claims 18-27 are currently pending in this application. Please inform the examiner of any related applications, abandoned, allowed or pending.

On page 17 Example 2 of the present specification is directed to isolating and polymerizing G-actin from muscle tissue. It would appear the presently cited references teach only methods of isolating and polymerizing F-actin from muscle tissue. On page 8 of the present specification, last paragraph, is directed to isolating and polymerizing actin in general, of no specific type. Please clarify that the intended and claimed invention is distinct from isolating and purifying actin or F-actin and how it is different.

The Petition under 37 CFR 1.48(b) deleting Malik, Sakowicz and Finer as inventors is acceptable.

In view of the papers filed 4/22/3003, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(c). The inventorship of this application has been changed by the addition of Vaisberg and Spudich.

25 OCT 2004

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

5

Claims 18-27 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of the following applies in all occurrences.

10

Claim 18 is directed to purifying actin but lacks a step to recover a product. In claim 20 magnesium is used but the claim does not state how it is used.

15

The title of the invention is not aptly descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

20

The Abstract of the Disclosure is objected to because it is not directed to the claimed invention. Correction is required. See M.P.E.P. § 608.01(b).

25

25 OCT 2004